UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,		**MEMORANDUM**
		AND ORDER
-against-		
		09-CV-3584 (RJD)
DYNASTY VI FOOD CORP., et al.,		
Defendants.		

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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

Defendants have requested the Court's intervention with respect to two discovery

disputes: (1) defendants' demand for complete, unredacted medical records pertaining to non-

party claimant Ruth Zahed; and (2) defendants' request to conduct two depositions, after the

close of fact discovery,[1] of two EEOC investigators, who are alleged to have interviewed

intervenor-plaintiff Nataliya Goines. See Letter to the Court from Maurizio Savoiardo (March

22, 2011), DE #73. Defendants' requests are denied without prejudice.

With respect to the dispute concerning the medical records, defendants have made no

showing whatsoever as to the relevance of and their entitlement to confidential medical records

that are protected by statute and that pertain to a non-party, who (presumably) has not put her

medical condition in issue. Under these circumstances, defendants have not made a sufficient

showing to warrant even an *in camera* inspection of the referenced records.

With respect to the depositions of the two EEOC investigators, defendants allege that

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[1] Fact discovery ends today. See Minute Entry (Feb. 23, 2011), ECF Docket Entry ("DE")
#72.

Ms. Goines' deposition testimony "contradicted virtually every aspect of the written interview notes created by the EEOC." Id. at 1. Nevertheless, while defendants have furnished the Court with a copy of the interview notes, they have not provided a copy of the deposition transcript and/or citations to the pages alleged to contradict the interview notes. Nor have they explained why impeachment of Ms. Goines with the interview notes would not be sufficient. Under these circumstances, defendants' motion to compel the depositions of the EEOC investigators is denied, particularly given the close of fact discovery.

The March 30th settlement conference will go forward as scheduled.

SO ORDERED.

Dated: **Brooklyn, New York**
March 23, 2011

                                        ROANNE L. MANN
                                        UNITED STATES MAGISTRATE JUDGE